

### **REMARKS**

The specification has been amended to correct clerical errors. A recitation "lead" has been replaced with "reed". Claims 12 and 13 have been canceled. Claims 21 and 22 have been added. Support for the new claims is presented in Claims 12 and 13 as previously filed. Thus, no new matter has been filed. Applicants respectfully request entry of the amendments and reconsideration of the present application in view of the amendments and following remarks.

#### Claim Rejections – 35 U.S.C. § 112

Claims 12 and 13 have been rejected under 35 U.S.C. § 112. The examiner asserts that a limitation "a system for detection of the position of the sensor..." have no antecedent basis for "the holding time," and it is unclear if the lead switch is detecting the position of the sensor or is merely specifying that sensor response is detected by the lead switch.

Recitations "lead switch" in the specification have been replaced with "reed switch" to correct clerical errors. Further Claims 12 and 13, as amended herein, have been canceled and the subject matter were re-written in Claims 21 and 22 to clarify the "reed switch" is used as a device only for detecting a position of the chemical sensor relative to the buffer solution. The recitations "holding time" has been replaced with "hold the chemical sensor ... for a predetermined ... treatment time." Applicants respectfully request withdrawal of the rejections.

#### Claim Rejections – 35 U.S.C. § 103

Claims 12 and 13 have been rejected under 35 U.S.C. § 103 as being unpatentable over Inamoto et al. in view of Cozzette et al. and White et al.

Inamoto et al. and Cozzette et al. fails to provide any suggestion about the detail of the initial treatment process and the refresh treatment process stated in Claims 21 and 22. White et al. (US 5,352,351 A) teaches a system for detecting the condition that the sense electrode 12 and excitation electrode 14 are in contact with a drop of an analyte containing fluid sample, wherein the detection is made by applying excitation voltage between the sense electrode 12 and excitation electrode 14 of the chemical sensor. Therefore, White et al. fails to teach such a system for detecting the condition that the sense electrode 12 and excitation electrode 14 are in contact

with a drop of buffer solution without any excitation voltage applied between the sense electrode 12 and excitation electrode 14 of the chemical sensor.

In contrast, the system for detection that the chemical sensor is installed in a position where the chemical sensor is immersed in a buffer solution, which is used in the claimed apparatus, by no means requires any bias applied between the working electrode and the reference electrode of the chemical sensor at the step for immersing, where the system detects that the chemical sensor is in the position where the sensor is immersed in the buffer solution. None of the references teach or suggest such a system for detection that the chemical sensor is installed in a position where the chemical sensor is immersed in a buffer solution, which is suitably used at the step of immersing, where any bias is by no means applied between the working electrode and the reference electrode of the chemical sensor.

In view of these facts, the combination of the cited references fails to lead one having ordinary skill in the art to the claimed chemical sensor type measuring apparatus comprising a system for detection that the chemical sensor is installed in the position where the chemical sensor is immersed in the buffer solution, which is capable of detecting that said chemical sensor is in said position where the sensor is immersed in the buffer solution, at the step of immersing, where no bias is applied between the working electrode and the reference electrode.

Thus, the chemical sensor type measuring apparatus as claimed in newly added Claims 21 and 22 are not obvious over the cited references. Applicants respectfully request withdrawal of the rejection.

#### Allowable Subject Matter

Claims 1-11 and 14-20 have been allowed. The applicants acknowledge the allowance of the claims with appreciation.

#### **CONCLUSION**

In the light of the applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the

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application, the Examiner is respectfully invited to contact the undersign at the telephone number appearing below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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